

Idaho Pacific Coastal Salmon Recovery Fund Program

2021 Grant Guidelines



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1. INTRODUCTION AND OVERVIEW

1.1. Background

The Pacific Coastal Salmon Recovery Fund (PCSRF) was established in Fiscal Year (FY) 2000 to address a coast-wide need to restore and conserve Pacific Chinook, coho, chum, sockeye and pink salmon and steelhead, and their habitat. PCSRF supplements existing state and tribal programs to foster development of federal-state-tribal-local partnerships in salmon recovery and conservation by providing grants for restoration of anadromous salmonids to the eligible states and tribes.

The goal of the PCSRF program is to “*make significant contributions to the conservation and restoration of salmon and steelhead runs -- and the habitats on which salmon and steelhead depend.*” This goal is achieved through implementation of projects that address five broad PCSRF program objectives: salmon habitat protection and restoration; watershed and sub-basin planning and assessments; salmon research, monitoring, and evaluation; salmon enhancement; and outreach and education.

The PCSRF program makes funding available to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and federally recognized tribes of the Columbia River and Pacific Coast (including Alaska) for projects necessary for the conservation of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for the conservation of Pacific coastal salmon and steelhead habitat.

The Department of Commerce, National Oceanic and Atmospheric Administration’s National Marine Fisheries Service (NMFS), is responsible for implementation and oversight of the PCSRF, in conjunction with states and tribes. Under a Memorandum of Understanding (MOU) developed with NMFS, the Idaho Governor’s Office of Species Conservation (OSC) serves as the recipient and administrator of PCSRF Program funds in Idaho and is responsible for disbursing funds through written sub-awards (contracts) with funded applicants (sub-grantees). Idaho received PCSRF funding for the first time in FY 2004 and has received funding every year since for a total of \$67.84 million (FY 2004-2021).

1.2. PCSRF Program Priorities

The Federal Funding Opportunity describes the PCSRF Program Priorities for FY 2021 PCSRF as follows. The Idaho Program will fund Priority One and Priority Two projects.

Priority One

These projects are those that address factors limiting the productivity of Pacific anadromous salmonid populations that are: listed under the Endangered Species Act (ESA), and/or necessary for the exercise of tribal treaty fishing rights or native subsistence fishing.

Typically these are habitat improvement projects. The PCSRF Program is focusing particular emphasis on habitat improvement projects that achieve lasting benefits through the restoration of self-sustaining natural ecosystem functions and processes (e.g., a levee-setback project that provides access to off-channel habitat and improves survival for overwintering juveniles, re-establishing floodplain connection and function, restoring natural river-channel migration), including the restoration and protection of riparian habitats in identified priority areas.

Priority One projects benefiting ESA-listed populations shall address the limiting factors and priority actions specified in approved, interim, or proposed Recovery Plans. Priority One projects benefiting populations important to the exercise of tribal treaty fishing rights or native subsistence fishing may include efforts to restore or maintain such populations while limiting factors are being addressed. Priority One projects may also include the development of project-specific engineering or designs that are a necessary precursor to implementing on-the-ground habitat improvement projects (excludes development of generic designs).

Planning, coordination, landowner outreach, assessment and monitoring projects are not eligible under Priority One.

Priority Two

Eligible projects consist of:

- Watershed-scale or larger effectiveness monitoring (e.g., intensively monitored watershed project). Such projects provide monitoring of habitat restoration actions at the watershed or larger scales and the biological response of anadromous salmonid populations.
- Population-scale status and trend monitoring. Such projects must directly contribute to population viability assessments for ESA-listed anadromous salmonids or populations.
- Monitoring necessary for the exercise of tribal-treaty fishing rights or native-subsistence fishing on anadromous salmonids, or
- Conducting watershed-scale or larger restoration planning (e.g., strategic action plans).

Project-scale effectiveness monitoring, or status and trend monitoring at a scale less than the population are not eligible under this priority and should be categorized under Priority Three.

Priority Three

Eligible projects include all other projects consistent with the Congressional authorization with demonstrated need for PCSRF funding. This includes, for example, capacity projects that support the implementation of activities under the above priorities including planning, coordination, landowner outreach, assessment, research, and monitoring (i.e., monitoring at less than watershed or population scale, as well as addressing factors limiting the productivity of, or status and trend monitoring of, salmonid populations that are not ESA listed nor necessary for the exercise of tribal treaty rights or native subsistence fishing.

1.3. Idaho Program Focus and Priorities

The Idaho Pacific Coastal Salmon Recovery Fund Program (Idaho Program) mirrors the PCSRF near-term goals of enhancing availability and quality of salmonid habitat via actions addressing factors limiting the production of ESA-listed fish as the pathway to achieving the PCSRF midterm goals of improving the status of ESA-listed salmonids and maintaining healthy populations.

The Idaho Program is specifically structured to focus project implementation as follows:

- Benefit ESA-listed salmonids and their tributary spawning and rearing habitats, and
- Implement the Snake River stock recovery plans, and
- Comply with the 2008 FCRPS Biological Opinion and the 2014-2018 Implementation Plan, and
- Implement the Northwest Power and Conservation Council's FWP subbasin management plans, and
- Implement local watershed management plans.

Priority One

The Idaho Program has committed to spend 82% of FY 2021 grant funds on Priority One projects. Habitat restoration projects selected for funding in the Idaho Program will address factors limiting abundance and productivity of ESA-listed Pacific salmonids in priority spawning and rearing tributary habitat.

The Idaho Program emphasizes process-based restoration to implement actions and suites of actions that will improve ecosystem functions and processes. This focus directly effects factors limiting ESA-listed fish abundance and productivity. Project designs will be specific to watershed conditions and watershed restoration, implementation will emphasize the following: restore stream/riparian/floodplain connectivity and functions, rehabilitate stream functions to achieve more natural flow regimes to benefit aquatic and terrestrial species, restore natural river morphology and habitat complexity, restore migration corridors, restore the watershed sediment balance, and eliminate manmade structures that do or potentially can capture and/or harm listed steelhead and salmon species. In addition to project designs, other tools the Idaho Program will use include water transaction agreements, conservation easements, and acquisitions.

Priority Two

The Idaho Program has committed to spend 15% of FY 2021 grant funds on Priority Two projects. The Idaho Program will consider funding projects that will provide effectiveness monitoring of habitat actions at watershed scales. Two of these are Intensely Monitored Watershed (IMW) projects that address regional issues and are funded through a variety of sources. These projects are in the Lemhi River (Salmon subbasin) and Potlatch River (Clearwater subbasin) and are sponsored by the Idaho Department of Fish and Game.

Several other ongoing projects may be considered for Idaho Program funding, including: a) a groundwater monitoring project to evaluate the effectiveness of a watershed-wide meadow restoration in the Potlatch River; b) the groundwater/surface water connectivity monitoring project to evaluate management options of existing surface water rights in the Lemhi River;

and c) other status and trend monitoring work to contribute to population viability assessments.

Priority Three

The Idaho Program will not fund Priority Three projects with FY 2021 grant funds.

2021 Funding

Funds from the 2021 PCSRF grant will be allocated as follows (by percent total):

Priority One projects	82%
Priority Two projects	15%
OSC Administration	3%

1.4. Idaho PCSRF Award Information

The individual project sub-awards under the Idaho Program are part of the NOAA Fisheries, U.S. Department of Commerce, PCSRF allocation to the State of Idaho. The 2021 Idaho Pacific Coastal Salmon Recovery Fund (PCSRF) Grant Guidelines apply to award numbers:

- National Oceanic and Atmospheric Administration, U.S. Department of Commerce
FY 2021 award NA21NMF4380463
- National Oceanic and Atmospheric Administration, U.S. Department of Commerce
FY 2020 award NA20NMF4380252
- National Oceanic and Atmospheric Administration, U.S. Department of Commerce
FY 2019 award NA19NMF4380205
- National Oceanic and Atmospheric Administration, U.S. Department of Commerce
FY 2018 award NA18NMF4380270
- National Oceanic and Atmospheric Administration, U.S. Department of Commerce
FY 2017 award NA17NMF4380178

1.5. Contact Information

The following individuals are the primary contacts for questions related to the Idaho Program:

Mike Edmondson

OSC Administrator

P.O. Box 83720

Boise, ID 83720-0195

(208) 334-2189

mike.edmondson@osc.idaho.gov

Contact for broad programmatic questions regarding Idaho's implementation of the PCSRF program, information regarding Idaho's PCSRF Board, and any questions related specifically to OSC.

Abbie Gongloff

PCSRF Program Manager

P.O. Box 83720

Boise, ID 83720-0195

(208) 756-6322

abbie.gongloff@osc.idaho.gov

Contact for questions about Idaho's PCSRF project solicitation, day-to-day grant management; questions on grant requirements, reporting requirements, contract amendments, budget changes, and invoicing.

Ryan Banks
Project Manager
220 East 5th Street, Suite 213 Moscow, ID
83843
(208) 883-9922
ryan.banks@osc.idaho.gov

Contact for the Clearwater Technical Group and Clearwater Core Review Team.

Daniel Bertram
Species Program Mgr/Policy Advisor (USBWP)
955 Riverfront Drive, Suite B Salmon, ID
83467
(208) 756-6322
daniel.bertram@osc.idaho.gov

Contact for the Upper Salmon Basin Watershed Program's Technical Team.

2. PROJECT PROPOSALS

2.1. Eligible Applicants

All types of entities (including nonprofit organizations, government organizations, universities, commercial organizations, and individuals) are welcome to apply. Eligible applicants for the Idaho Program must have experience managing contracts, budgets, and projects. Applicants must also have a data universal number system (DUNS) number and be registered with the System for Award Management (SAM.gov). Eligible entities must not be debarred or suspended from participation in federal assistance programs.

2.2. Timelines and How to Apply

The deadline for proposal submission is Wednesday, November 3, 2021. Submit the entire proposal, including the required attachments in section 2.7, to: abbie.gongloff@osc.idaho.gov. Receipt confirmation will be emailed; incomplete proposals will be returned. Submissions through Dropbox or other file hosting services will not be accepted. For submissions larger than 30 MB please send in a series of emails.

Round 24 Schedule:

Date	Action	Description
Mid September, 2021	Applications available	Round 24 application materials posted to OSC website and announcement sent to applicants.
November 3, 2021	Proposals due to OSC	Proposals and all required attachments to abbie.gongloff@osc.idaho.gov .
December 9-10, 2021	Board Funding Meeting	Idaho PCSRF Board Meeting to make funding decisions; applicants required to present project proposals and answer questions (in person or remotely is TBD). Meeting details and agenda will be announced in November.

2.3. Technical Review

Project proposals *must* be reviewed by either the Clearwater Core Review Team or Upper Salmon Basin Watershed Program’s Tech Team prior to submitting an application for Idaho PCSRF funding. The ranking/review must be included as an attachment to the application (see section 2.7).

OSC field office staff located in the Clearwater and Salmon subbasins coordinate and facilitate these two groups (see section 1.5 for contact information).

Clearwater Subbasin

The Clearwater Technical Group (CTG) was formed in 2008; participation is open to any interested stakeholder, including local, state, federal, and tribal representatives, non-governmental organizations, and other resource organizations. The CTG focus is on project coordination and development including the following: information and technology exchange, restoration success and lessons learned, identification of project partners, project planning, design, and engineering, technical advisory input, implementation protocols, and monitoring. The CTG is comprised of specialized staff from the Nez Perce-Clearwater National Forest (NPCNF), five soil and water conservation districts, National Marine Fisheries Service, Idaho Department of Environmental Quality, Idaho Department of Fish and Game, Idaho Department of Lands, Idaho OSC, Idaho Soil and Water Conservation Commission, The Nature Conservancy, Nez Perce Tribe, Palouse Land Trust, Trout Unlimited, Palouse Clearwater Environmental Institute, Natural Resource Conservation Service, Potlatch Forest Holdings, Inc., and sponsor consultants.

The Clearwater Core Review Team (CRT) is convened to conduct technical reviews of project proposals developed for the Idaho PCSRF Program. Membership of the CRT is independent from any project proposal or project sponsor, though members of the CRT may provide technical consultation during project development or permitting. Five individuals from Clearwater subbasin agencies or retired from subbasin agencies were selected by the CTG and invited to be on the CRT roster, any three of whom will be the minimum to review proposals. The 2021 CRT membership includes the following: one retired fish biologist from the Idaho Department of Fish and Game, one retired hydrologist from the Nez Perce-Clearwater National Forests, two fish biologists (one semi-retired) from the National Marine Fisheries Service, and one retired fish biologist from the U.S. Fish and Wildlife Service.

The CRT has developed review criteria for habitat restoration projects, monitoring and evaluation activities, and land acquisition/conservation easement proposals. There are three review criteria categories: 1) Impact on limiting factors, 2) Technical veracity and merit of the proposal, and 3) Expected effectiveness of proposed actions. All criteria must be met to be recommended for funding. The CRT provides comments on the proposed budget, how a project supports implementation identified in a watershed plan, and proposed project monitoring. The CRT reviews all proposals for work in the Clearwater subbasin, South Fork Salmon River, Little Salmon River, lower Salmon River, and any that may originate for work in the Hells Canyon subbasin.

Salmon Subbasin

The Upper Salmon Basin Watershed Program’s Technical Team (Tech Team) was formed to provide technical and science-based evaluations of potential habitat restoration projects. The

Upper Salmon Basin Watershed Program’s Technical Team (Tech Team) was formed to provide technical and science-based evaluations of potential habitat restoration projects. Membership of the Tech Team includes representatives from the following entities: Bureau of Land Management, Bureau of Reclamation, U.S. Forest Service, U.S. Fish and Wildlife Service, Natural Resources Conservation Service, National Marine Fisheries Service, Idaho Department of Fish and Game, Idaho Department of Water Resources, Idaho OSC, Shoshone-Bannock Tribe, The Nature Conservancy, Trout Unlimited, Lemhi Regional Land Trust, Wood River Land Trust, Custer and Lemhi Soil and Water Conservation Districts, and local irrigation districts.

The Tech Team provides consultation in project development and evaluates the biological merit of each project. Projects come to the Tech Team from private landowners, Tech Team members, other agency partners, or non-government organizations. Evaluation forms used are specific to the project type, and include fish habitat, fish passage, and conservation easements. The Tech Team discusses projects in an iterative process to further develop the concepts and project proposal scores are determined by consensus.

2.4. Budget

Applicants must submit proposed budgets (using provided budget template) with costs broken into the categories below. Non-profit organizations, colleges or universities, and state, local, or Indian tribal governments must refer to [2 CFR Part 200.400-476 \(Subpart E – Cost Principles\)](#) to ensure all proposed costs are allocable, reasonable, and allowable (see section 5.7). Commercial organizations must refer to the [FAR Subpart 31.2 \(Contracts with Commercial Organizations\)](#) to ensure all proposed costs are allocable, reasonable, and allowable.

Personnel

For sub-grantee staff only, show each position title, estimated number of hours, and the cost per hour.

Fringe

Fringe benefits are allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Fringe benefits include, but are not limited to, the costs of leave, employee insurance, pensions, and unemployment benefit plans. The costs of fringe benefits are allowable to the extent that the benefits are reasonable and required by law, the sub-grantee’s entity-employee agreement, or the sub-grantee’s established policy. Fringe benefits should be distributed to particular projects and other activities in a manner consistent with the pattern of benefits accruing to employees whose salaries and wages are chargeable to such projects and other activities.

Travel

These are sub-grantee expenses incurred getting to and from the project location. Allowable [mileage rates](#) (as of 1/1/21= \$0.56/mi) and [per diem rates](#) (as of 1/1/21= \$49/day) are determined annually by State of Idaho, Board of Examiners.

Supplies

This category includes consumable items purchased by the applicant and used up during the course of the project. Includes small portable electronic equipment costing less than \$5,000.

Meeting refreshments and personal field gear attire (shirts, hiking boots, etc.) may not be charged.

Communications/Utilities

This category includes costs for communications or utilities, such as telephone lines. If indirect costs are included in the budget, communications/utilities should not also be charged here.

Training

This category includes costs for staff training related to the project.

Lease/Rental Including Vehicles

This category includes lease or rental costs needed for implementation of the project. The de minimis rate *may not* be applied to these costs.

Land Acquisition and/or Conservation Easement

This category includes costs specifically to acquire land or for a conservation easement. The de minimis rate *may not* be applied to these costs.

Capitalized Expenditures

This category includes costs to acquire capital assets or expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life. The de minimis rate *may not* be applied to these costs.

Equipment

This category includes tangible property having a useful life of more than one year and a per-unit cost of \$5,000 or greater. Equipment purchased with PCSRF funds must be retained by the sub-grantee after the grant closes and must be used for the purpose and project it was purchased for. The sub-grantee may request approval from the Idaho PCSRF Project Manager to transfer the equipment to another entity. The de minimis rate *may not* be applied to these costs.

Subcontracts

These are services provided by a separate entity under a formal financial agreement. Contract costs should be broken out and should match the scope of work described in the application. Materials and supplies purchased and provided by the contractor should be placed here. *Do not* lump all contract costs into one row. Landowners performing work for the grant are to be paid from this category. The de minimis rate may be applied to the first \$25,000 of each subcontract.

Other

This category includes items that do not fit in other budget categories. Details about the items must be included.

Indirect Costs

Indirect costs are overhead or administrative costs that cannot be readily identified to a specific project or function but are incurred by an organization. They include expenses such

as facilities, rent, administrative time, electricity and telephone. See section 2.5 below to select the appropriate indirect rate from the options below.

2.5. Indirect Rates

Nonfederal entities with NICRAs

Applicants with a current federally negotiated indirect cost rate agreement (NICRA) may include their indirect rate in their budget. A copy of the federally negotiated indirect cost rate agreement must be included as an attachment to the proposal submission.

Nonfederal entities without NICRAs

With the exception of governmental organizations that receive more than \$35 million in direct federal funds, any nonfederal entity may include a de minimis indirect rate of 10% of modified total direct costs (MTDC) in their budget, regardless of whether or not they have received a negotiated indirect cost rate in the past. Costs incurred by the organization must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. If used, this methodology once elected must be used consistently for all federal awards until such time as the entity chooses to negotiate for a rate.

Applicants wishing to use the 10% rate must submit a signed Idaho 10% De Minimis Indirect Cost Rate Form as an attachment to the proposal submission.

MTDC include all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and subawards and subcontracts up to the first \$25,000 of each subaward or subcontract. MTDC exclude equipment, capital expenditures, rental costs, tuition remission, participant support costs, and the portion of each subaward and subcontract in excess of \$25,000.

Governmental organizations that receive more than \$35 million in federal funds

A governmental organization that receives more than \$35 million in direct federal funds and lacks a NICRA may not include an indirect rate in its budget.

Entities with proposed NICRAs

If an entity has applied for, but not yet received, a NICRA, the proposed indirect rate may be included in the proposal. Documentation of the proposed rate must be included as an attachment to the proposal submission. If the project incurs expenses prior to receiving a NICRA, indirect will not be paid until the NICRA is received and OSC has been provided a copy. If the rate is not approved by the end of the project period, indirect costs will not be reimbursed and budgeted indirect costs may not be moved to other line items.

2.6. Non-Federal Match

All Idaho PCSRF project applicants are required to provide cash match or document in-kind contributions of at least 33% of requested PCSRF funding. Match funds are expected to be paid out at the same general rate as the PCSRF funds. Match funds can be “front-loaded” (i.e., the majority of match expenditures occur in the beginning of the project), but they cannot be “back-loaded.” Bonneville Power Administration and Nez Perce Tribe SRBA funds are allowed as non-Federal match. See also [2 CFR §200.306 Cost sharing or matching](#).

The match funds must be approved by OSC and may not be used for match with any other program. Project applicants are required to submit a letter of match and fill out all tabs of the Budget template as part of their application, including PCSRF funding, cash match, in-kind match, and other non-match Federal funds. Source(s) of the required match must be identified at the top of each tab on the Budget template.

2.7. Metrics and Worksheets

Performance metrics developed by NOAA for the PCSRF program were designed to capture the results (anticipated and actual) of projects as they relate to one of five PCSRF objectives (see section 1.1). Metrics data are used by NOAA to track and report the impacts of the PCSRF program.

The Idaho Program is required to report metrics for each project selected for funding in [NOAA’s PCSRF database](#).

The Idaho PCSRF Program Manager is responsible for entering project metrics into the NOAA database and providing NOAA with semi-annual updates. Applicants are required to provide OSC metrics via Excel Worksheets twice during the project—once with the project proposal application and upon project closeout. There is an Excel Worksheet for each project category: Habitat Protection and Restoration, Engineering and Design, and Monitoring and Evaluation (see Section 3 for more information on project categories).

The preliminary metrics should include the best estimate of the total results of the project, and final metrics should capture actual results. Final metrics are due 90 days after the contract end date with the final report (if there is an expiring grant year, final metrics may be requested earlier). NOAA carefully reviews the metrics, including any differences between preliminary and final metrics; therefore, be as realistic as possible in projections. There is no penalty if the project performs other than expected, but an explanation should be provided in the completion report.

2.8. Application Checklist

The following items need to be submitted for a complete project proposal. Templates and forms are posted on the OSC website.

Items	Template Name
✓ Application narrative	PCSRF Application Narrative
✓ Project location map	Applicant Provides
✓ Photos of project location	Applicant Provides
✓ Budget form	Budget Template
✓ Work type metrics	A Habitat Restoration Metrics, or B Engineering Design Metrics, or C Monitoring Metrics
✓ Project design drawings and plans, if applicable	Applicant Provides

✓ Letter of match	Letter of Match Template
✓ Landowner Acknowledgement Form, required for projects occurring on land not owned by applicant	Landowner Acknowledgement Form
✓ Project ranking/review, from the Upper Salmon Basin Watershed Program Technical Team or the Clearwater Core Review Team	Applicant Provides
✓ Audit Status Certification, not required if subrecipient submitted form in September 2021	OSC Audit Status Certification
✓ Subrecipient Questionnaire	OSC Subrecipient Questionnaire
✓ Workers Compensation Certificate	Applicant Provides
✓ Copy of federally negotiated indirect cost rate agreement or Idaho De Minimis Indirect Cost Rate Form	Applicant Provides <i>or</i> Idaho De Minimis Indirect Cost Rate Form

3. PROJECT CATEGORIES AND METRICS

3.1. Habitat Protection and Restoration – Priority One

The Idaho Program focuses on ecosystem processes and functions to restore abundance and productivity of ESA-listed anadromous fish. The Idaho Program funds projects that implement actions to mitigate the effects of multiple limiting factors at watershed scales. Implementation to be funded in the program will include, but not be limited to, suites of actions designed to work toward the following:

- Restore incised streams
- Restore stream/riparian/floodplain connectivity and functions
- Enhance or restore wetlands
- Repair or replace migration barriers and screen water diversions to established standards
- Restore normative streamflow regimes: improve stream morphology, irrigation practices, water transactions, and groundwater recharge
- Enhance or restore instream habitat complexity and diversity
- Find opportunities to engage in water right transaction agreements
- Stabilize the watershed sediment balance: road system/surface treatments, unneeded road stabilization/closure/abandonment, treat upland land use effects on sediment supply
- Conservation easements and acquisitions

Factors limiting abundance and productivity of salmon and steelhead have been identified in the Snake River stock recovery plans, PCSRF Program, and watershed-based restoration plans developed by local experts and the public.

Metrics

Projects selected for funding will fall into one or more of the ten subcategories below under the Habitat Protection and Restoration objective. See Excel Worksheet A. *Habitat Restoration Metrics* for more information on these subcategories and work types within each subcategory.

Fish Screening	Upland Habitat and Sediment
Fish Passage Improvement	Water Quality
Instream Flow	Wetland
Instream Habitat	Land Purchase/Conservation Easements
Riparian Habitat	Site Maintenance

3.2. Engineering and Design – Priority One

The Idaho Program will fund the development of project-specific engineering or designs that are a necessary precursor to on-the-ground habitat improvement projects that are reasonably certain to be implemented. Funding will not be provided for the development of generic designs.

Metrics

Projects selected for funding will fall into the “Engineering/Design Work for Restoration Projects” subcategory under the Restoration Planning and Assessments objective. See Excel Worksheet B *Engineering Design Metrics* for more information on this subcategory.

3.3. Monitoring and Evaluation – Priority Two

The Idaho Program will include a monitoring component to assess the effectiveness of habitat restoration actions at watershed scales and status monitoring to contribute to population viability assessments for ESA-listed Pacific anadromous salmonids.

The competitive project selection process PCSRF funding may include support for the following:

- Intensively Monitored Watershed (IMW) projects
- Groundwater-surface water connectivity studies in the Lemhi River
- Groundwater study of watershed-wide meadow restoration in the Potlatch River
- Projects to conduct status monitoring that will directly contribute to population viability assessments for ESA-listed Pacific salmonids

Metrics

Projects selected for funding will fall into the “Monitoring” subcategory under the Research, Monitoring and Evaluation objective. See Excel Worksheet C *Monitoring Metrics* for more information on this subcategory and work types within each subcategory.

4. PROPOSAL SOLICITATION AND SELECTION

4.1. Solicitation and Project Selection

OSC calls for proposals for the Idaho Program at least once each year through an e-mail announcement to more than 100 eligible applicants. The announcement provides webpage links to application forms, guidance documents, and submittal and review schedules.

The Idaho Program Funding Board (Board) was created under the 2004 Memorandum of Understanding between the National Marine Fisheries Service (NMFS) and OSC. The Board includes the following members: Administrator of Idaho OSC, Director of Idaho Department of Fish and Game, Director of Idaho Department of Water Resources, a designee of the Governor (currently an Idaho member of the Northwest Power and Conservation Council), and a designee of the National Marine Fisheries Service Regional Administrator, who serves as an ex-officio member. The Idaho Program Manager provides staff support to the Board. Each member of the Board reviews proposal packets and may assign relevant staff to review proposals.

The Board reviews the project proposals and selects projects for funding based on:

- The degree to which the project will contribute to salmon and steelhead conservation and recovery
- The technical merits of the project
- The level of local community support for the project
- The likelihood of the project achieving its goal
- The cost-effectiveness of the project relative to other viable projects

The Board also weighs the extent to which the individual projects address limiting factors and priority objectives identified in locally developed watershed and/or sub-basin plans as adopted by the Northwest Power and Conservation Council.

4.2. Board Meeting

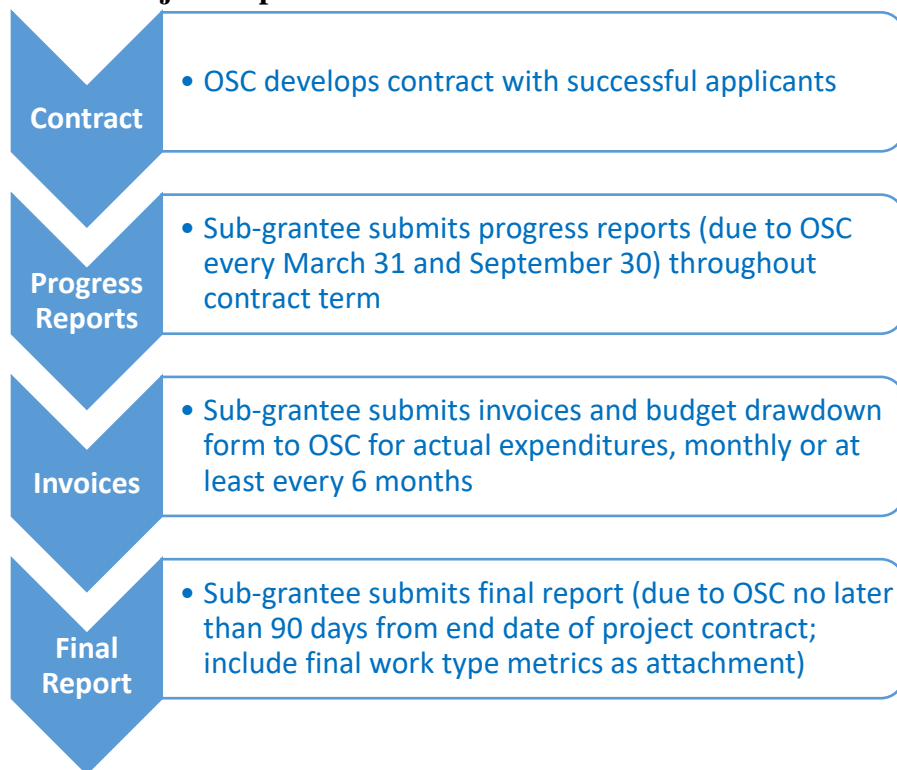
A board meeting is convened at which project sponsors present their projects to the Board and stand for questions. The Board prioritizes projects and makes funding decisions by the end of each meeting, striving to make final approvals by consensus. To address a consensus concern or perceived proposal deficiency, an amendment with conditions may be made to the motion to fund and attached to the funding contract thereafter. Absent consensus, the majority opinion will prevail; a tied decision is a do-not-fund decision.

Project proposals that address process-based restoration will be prioritized. The Idaho Program will look to projects that are likely to result in cumulative benefits between ongoing and/or completed projects and to achieve larger-scale impact. The Idaho Program will support and encourage implementation actions that are most likely to ameliorate climate change effects and increase the resilience of salmonid populations. The Board may, due to circumstance, make exception or accommodate a proposal that is highly innovative, presents a rare opportunity, or is needed for emergency work.

Once the Board completes the project review and selection process, OSC sends each sub-grantee an award letter confirming their sub-award and identifying the date on which they may begin work on their project.

5. PROJECT IMPLEMENTATION

5.1. Overview of Project Implementation



5.2. Contract for PCSRF Sub-award

OSC develops a contract with each successful applicant (sub-grantee) to implement their project. The contract directs invoicing and reporting procedures, as well as general contracting conditions. Attached to the contract as an appendix is the proposal itself, which represents the work plan with expected actions, outcomes, and the project schedule.

In cases where a single sub-grantee has been awarded grants for multiple PCSRF projects, a separate contract between OSC and the sub-grantee is developed for each project.

Sub-grantees should notify OSC if they will not use all of their awarded funds as soon as they become aware so OSC can reallocate the funds.

5.3. Progress Reports

Sub-grantees must submit regular progress reports throughout the duration of each PCSRF project. Semi-annual progress reports are due every **March 31** and **September 30** throughout the contract term. Sub-grantees should use the pre-formatted progress report template supplied electronically by OSC and submit reports by email to Abbie Gongloff at abbie.gongloff@osc.idaho.gov.

Progress reports must include:

<i>Item</i>	<i>Description</i>
NOAA PCSRF Federal Fiscal Award Year, DOC Number, CFDA Number, and CFDA Project Title	Included on pre-formatted template.
OSC assigned project number, project title, and project contact information	Included on pre-formatted template.
Reporting period	Provide the start and end date of reporting period covered by report.
Narrative summary	Describe the activities and accomplishments of work accomplished <i>during the reporting period</i> .
Narrative summary of variations	Describe, if applicable, any variations from the project proposal that occurred during the reporting period and the reason(s) for these. E.g. schedule issues, task modification, environmental compliance issues, or personnel.
Supporting documentation	List supporting documentation being submitted with progress report. E.g. designs, permits.
Environmental compliance	Describe any environmental compliance work that has been done for this project during the reporting period (for restoration projects only).

OSC may request copies of specific permits, design documents, publications, solicitation materials, or other documentation associated with implementation of the specific PCSRF project at any time.

Sub-grantees should note that invoice payments will be coordinated with review of the project progress report for the same time period. In general, sub-grantees that are delinquent in providing timely progress reports will not be eligible for invoice payments until the progress reports are brought up-to-date.

5.4. Final Report

A final report with supporting documentation must be submitted after the project is complete and is due no later than 90 days from the end date of the project contract. The final report may be requested by OSC earlier than 90 days if the project is in an expiring grant year or to close it out before the next Round. Sub-grantees should use the pre-formatted final report template supplied electronically by OSC and submit reports by email to Abbie Gongloff at abbie.gongloff@osc.idaho.gov.

The final report must include:

<i>Item</i>	<i>Description</i>
NOAA PCSRF Federal Fiscal Award Year, DOC Number, CFDA Number, and CFDA Project Title	Included on pre-formatted template.
OSC assigned project number, project title, and project contact information	Included on pre-formatted template.
Project dates	Enter actual project start and end dates.
Narrative summary of the completed project	Describe the activities and accomplishments of this project incorporating information from the work type metrics into the description.
Total costs by funding source	Provide the proposed and actual cost provided by each funding source during the project.
Total costs by metric	Provide the proposed and actual cost for each sub-category that was implemented during the project, include all funding sources. If there were multiple worksites, report costs for each worksite.
Narrative summary of variations	Describe any notable challenges and/or successes not previously documented in the progress reports, a summary of any variances from the original project proposal.
Photo documentation	Provide captioned before, during and after project implementation photos.
Media materials	Provide any publications, videos, press releases, or other materials produced for this project.
Final work type metrics	Include as an attachment to the final report (Excel Worksheet: A. Habitat Restoration Metrics, B. Engineering Design Metrics, or C. Monitoring Metrics)

OSC may request copies of supporting documentation for the project, such as appraisal documents, conservation easement agreements, permits, solicitation materials, planning and design documents, monitoring and evaluation reports, etc.

5.5. Subaward Property Closeout Form

The Subaward Property Closeout Form for Equipment and Real Property must be submitted at the close of the project with the final report. The purpose of the form is to allow OSC to track equipment and real property purchased with PCSRF funds.

Equipment means tangible property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds \$5,000. A unit of equipment is defined as an item and all necessary parts to make it usable.

For example, a camera and its accessories (such as lens, filters, and tripod) would be included as a single item of equipment.

All items that meet the definition of equipment above and were purchased entirely or partially with PCSRF funds should be reported on the form. This would include items such as portable irrigation systems, drones, and fish arrays. This does not include items that are permanently installed such as jack fence, buried irrigation pipeline, pivots, and irrigation pumps.

Real property means land, including land improvements, structures and appurtenances thereto, but excludes moveable machinery and equipment. This would include conservation easements purchased entirely or partially with PCSRF funds. Culverts and permanently installed bridges are not included in this category and do not need to be reported on either the equipment or real property form.

Title to equipment and real property purchased with PCSRF funds vests with the sub-grantee after the project closes provided that the equipment continues to be used for its original purpose, whether or not the project continues to be supported by federal funds. When the equipment or real property is no longer needed, sub-grantees must request approval from OSC prior to transferring or disposing of equipment or real property.

5.6. Invoicing Procedures

The Idaho Program is operated on a reimbursement basis. Project sub-grantees must expend funds and provide an invoice for actual expenditures prior to receiving compensation. OSC will not reimburse project costs incurred prior to the start date of the sub-grantee's contract, or after the contract end date. OSC strives to provide timely reimbursements of invoices while maintaining compliance with state and federal requirements.

Once work has been initiated on a project, invoices should be submitted no more frequently than monthly, and no less frequently than every six months.

Prior to submitting the first invoice, sub-grantees must:

- Complete and sign a contract with OSC.
- Register as a vendor with OSC (if not already registered) by completing, signing, and submitting an original copy of a W-9 Request for Taxpayer Identification Number and Certification Form to OSC (<https://www.sco.idaho.gov/Documents/CombinedSubstituteW9.pdf>).
- Provide OSC with current federally negotiated indirect cost rate agreement *or* Idaho De Minimis Indirect Cost Rate Request Form.
- Submit a copy of Workers' Compensation Certificate of Insurance, if required to carry Workers' Compensation Insurance by the State of Idaho.

Each sub-grantee will be provided with a customized electronic budget drawdown form in Excel. The budget drawdown will have the sub-grantee's project name, project number, contract term, and approved budget pre-entered. The budget drawdown must be updated and submitted with each invoice.

Every invoice must contain the following information:

- Name and address of the billing organization
- Project name
- Idaho PCSRF project number (e.g. 005 18 SA)
- Unique invoice number (assigned by the billing organization)
- Date of invoice
- Period of service (e.g. January 1 – February 28, 2021)
- Total expenses billed by line item (per the categories in the approved budget)

Sub-grantees are expected to maintain and submit documentation for all claimed and match expenses. See sections 5.8 and 5.9 for requirements.

Submit invoices, backup documentation and budget drawdown forms via email to abbie.gongloff@osc.idaho.gov.

Invoices submitted without an updated budget drawdown form, incomplete documentation, or invoices not supported by up-to-date progress reports, will not be processed for reimbursement until all components are completed.

In very limited cases, where special need can be demonstrated, or if specific cash needs were identified in the approved project proposal, funds may be released in advance. Advance releases must be based on a detailed estimate of expenses and approved in advance by OSC.

The final 10% of the project budget may not be released for reimbursement until a final project report and final invoice is received and approved by OSC. The final invoice should be submitted no later than 90 days from the end date of the project contract. The final invoice may be requested by OSC earlier than 90 days if the project is in an expiring grant year or to close it out before the next Round.

5.7. Allowable, Reasonable and Allocable Costs

To be considered allowable costs, general costs categories and purposes must be identified in the approved project budget. Budget modifications, such as movement of budget amounts from one category to another, must be agreed to by the sub-grantee and OSC and documented in a budget amendment or in some cases, the contract.

Non-profit organizations, colleges or universities, and state, local, or Indian tribal governments must refer to [2 CFR Part 200.400-476 \(Subpart E – Cost Principles\)](#) to ensure all proposed costs are allocable, reasonable, and allowable. Commercial organizations must refer to the [FAR Subpart 31.2 \(Contracts with Commercial Organizations\)](#) to ensure all proposed costs are allocable, reasonable, and allowable.

Allowable costs (2 CFR 200.403)

The following bullets summarize general criteria to determine whether costs are allowable:

- Be necessary and reasonable for the performance of the Idaho PCSRF sub-award.
- Be allocable to the Idaho PCSRF sub-award.
- Be authorized or not prohibited under state or local laws or regulations.

- Conform to all limitations or exclusions set forth in 2 CFR 200, the terms and conditions of the PCSRF grant award, and other governing regulations as to types or amounts of cost items.
- Be consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the non-Federal entity.
- Be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost.
- Be determined in accordance with generally accepted accounting principles (GAAP), except, for state and local governments and Indian tribes only, as otherwise provided for in 2 CFR 200.
- Not be included as a cost or used to meet cost sharing or matching requirements of any other federally-financed program in either the current or a prior period. (See also [2 CFR §200.306 Cost sharing or matching](#), paragraph (b).)
- Be adequately documented. (See also [§200.300-309](#))

Reasonable costs ([2 CFR 200.404](#))

A cost is considered *reasonable* if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.

Factors to consider when determining reasonableness:

1. Is the cost ordinary and necessary for the organization's operation or award performance?
2. What restraints or requirements are imposed by factors such as generally accepted sound business practices and arms-length bargaining?
3. How does the cost compare with market prices for similar goods and services?
4. Did the individuals concerned act with prudence in the circumstances, considering their responsibilities to the organization; its members, employees, and clients; the public; and the government?
5. Did the cost involve significant deviations from established practices of the organization which might unjustifiably increase costs charged to the award?

Allocable costs ([2 CFR 200.405](#))

A cost is *allocable* to an award if the goods or services involved are chargeable or assignable to the award or cost objective. This standard is met if the cost meets **all** of the following criteria:

- Is incurred specifically for the federal award
- Benefits both the federal award and other work of the nonfederal entity, and can be distributed in proportions that may be approximated using reasonable methods
- Is necessary to the overall operation of the nonfederal entity and is assignable in part to the federal award in accordance with the principles of [2 CFR Part 200.400-476 \(Subpart E – Cost Principles\)](#)

Costs are allocated to a particular cost objective (e.g., grant, project) according to the relative benefits received by that cost objective.

5.8. Backup Documentation

Sub-grantees must submit backup documentation with each invoice for all expenditures invoiced to their PCSRF grant.

Personnel Costs

In all cases, salaries or wages should be supported by personnel activity reports. See [2 CFR Part 200.430 Compensation – personal services](#). Personnel activity reports or equivalent documentation must meet the following standards:

- Reflect an after-the-fact distribution of the actual activity of each employee;
- Account for the total activity for which each employee is compensated;
- Be prepared at least monthly and must coincide with one or more pay periods; and
- Must be signed and dated by the employee and include the certifying supervisor's name, signature, and date.

Budget estimates or other distribution percentages determined before the services are performed do not qualify as support for charges to Federal awards, including PCSRF grants.

Note: employees working on multiple projects with multiple funding sources must be sure to document their total hours worked including hours worked on the PCSRF project(s) as well any other projects they are working on.

Fringe

Documentation of fringe benefits is not required; however, if a percentage rate is used to calculate the fringe benefits charged, the sub-grantees must be able to provide OSC with calculations justifying the rate used by employee.

Travel

All approved travel and other related expenses shall be reimbursed in conformity with the State of Idaho's [per diem rates](#) (as of 1/1/21= \$49/day). Minimum supporting documentation for travel expenses should include:

- Name of individual(s)
- Reason for travel
- Time/date of departure and time/date of return
- Location of travel (starting location and ending location)
- Receipts for air travel, ground travel, lodging, etc.

Sub-grantees may use the optional OSC [Travel Reimbursement Template](#) posted on the OSC website to provide required documentation.

Mileage

Documentation for reimbursement of [mileage rates](#) (as of 1/1/21= \$0.56/mi) should be in the form of a mileage log which includes:

- Project name and project number
- Date(s)
- Driver's name
- Starting and ending locations
- Starting and ending mileage

Sub-grantees may use the optional OSC [Mileage Reimbursement Form](#) posted on the OSC website to provide required documentation.

Training

Documentation for reimbursement of training or meeting expenses should include:

- Name of individual who attended training
- Date and location of training or meeting program
- Purpose of training or meeting
- Copy of agenda(s)

All other budget categories: Supplies, Communications/Utilities, Lease/Rental Including Vehicles, Capitalized Expenditures, Equipment, Subcontracts, Other

Expenses must be documented with an invoice, receipt or other documentation describing the expense.

Indirect Costs

Indirect costs are allowable only as specifically identified in the budget estimates included in the contract. Any excess indirect costs associated with the project may not be used to offset unallowable direct costs.

5.9. Match Documentation

Sub-grantees must document cash and in-kind match contributions at the same level of detail as required for reimbursed expenses.

Cash Match

For all cash match, documentation *is required* with every invoice that match is claimed. Sub-grantees must provide backup documentation for match claimed at the same level of detail as required for PCSRF charges (see section 5.8) and document cash match on the budget drawdown form.

In-Kind Match

Sub-grantees must submit in-kind match documentation forms with invoices for all in-kind match claimed and document in-kind match on the budget drawdown form. In-kind match forms requiring a participant's signature (i.e. person donating labor, volunteer, etc.) must be signed within three months of providing the service.

The following [in-kind match documentation forms](#) are posted on the OSC website:

- *Donated Personnel*
- *Volunteer Services*
- *Consumable Supplies for Subrecipients*
- *Equipment for Subrecipients*
- *Non-consumables for Subrecipients*
- *Donated Services for Subrecipients*
- *Equipment for Third Parties*
- *Consumable Supplies for Third Parties*
- *Non-consumables for Third Parties*
- *Donated Services for Third Parties*
- *Donated Land or Water Right Value for Third-Parties*

5.10. Recordkeeping

Sub-grantees must document activities associated with implementation of their project including, but not limited to: procurement procedures, subcontracts, ESA consultations, permits, construction design plans, monitoring and evaluation reports, personnel activity reports, and all capital and non-capital expenditures invoiced to their PCSRF grant. **Sub-grantees will make such documentation available, in a timely manner, to OSC upon request.**

5.11. Record Retention

Idaho PCSRF sub-grantees must retain all books, records, documents, data, and other materials relevant to each PCSRF project for the time period specified in the contract. These records are subject to inspection, review, copying or audit by personnel duly authorized by OSC, the Idaho Legislative Services Office, or other authorized federal and/or state officials. If any litigation, claim, or audit is started before the expiration of the specified time period, the records must be retained until all litigation, claims or audit findings involving the records have been resolved.

The records must support all project invoices provided to OSC, including documentation to substantiate the sub-grantee's match claim (e.g., cash appropriations; land donations, donated cash, labor, materials, equipment; and state and/or Bonneville Power Administration grants). If an auditor's inspection of records discloses any improper or incorrectly claimed reimbursements, OSC will issue a decision on a proposed corrective action plan within six months after receipt of the report.

5.12. Audits

As a subrecipient of federal funds, sub-grantees may be subject to the Code of Federal Regulations [2 CFR 200 Subpart F – Audit Requirements](#). Sub-grantees that expended \$750,000 or more in Federal awards in the past fiscal year are subject to 2 CFR 200 Subpart F. OSC, as the prime grantee, is responsible for determining whether sub-grantees have met the audit requirements of the CFR and are in compliance with Federal laws and regulations.

Sub-grantees must submit the [Audit Status Certification](#) form and a copy of their audit report with their application for funding and annually every September 30.

6. CONTRACT REQUIREMENTS

6.1. Award Provisions

The sub-grantee and any sub-recipients (e.g., subcontractors, or sub-awards) must comply, and require each of their contractors and subcontractors employed in the completion of the project, to comply with all applicable statutes, regulations, executive orders (E.O.s), Office of Management and Budget (OMB) circulars, provisions of the OMB *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (codified at 2 CFR Part 200) (OMB Uniform Guidance), Department of Commerce Financial Assistance Standard Terms and Conditions, and any other terms and conditions incorporated into the PCSRF financial assistance award.

The following award provisions apply to the NOAA Fisheries, Department of Commerce, PCSRF Program as administered by OSC, and are included by reference in these Idaho

Program Guidelines. All federal guidelines applicable to PCSRF awards and sub-awards are posted on the [OSC website](#) and include the following:

- Electronic Code of Federal Regulations, Title 2: Grants and Agreements, Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- DOC Financial Assistance Standard Terms and Conditions
- NOAA Financial Assistance Administrative Terms
- Special Award Conditions, Award Number NA17NMF4380178
- Special Award Conditions, Award Number NA18NMF4380270
- Special Award Conditions, Award Number NA19NMF4380205
- Special Award Conditions, Award Number NA20NMF4380252
- Special Award Conditions, Award Number NA21NMF4380463

OSC’s goal is to administer and implement the Idaho Program with a consistently high degree of project and fiscal accountability. Toward this end, the following sub-sections highlight some of the requirements associated with the PCSRF award. This summary, however, is not exhaustive and is in no way a derogation of, or amendment to any applicable statute, regulation, executive order, or OMB circular. Sub-grantees should refer to the specific award provisions listed above for additional detail.

6.2. Environmental Requirements

Project actions that may affect ESA-listed species cannot be initiated unless, and until, an ESA consultation has been completed. It is the responsibility of the sub-grantee to identify and obtain all local, state, and federal approvals and related permits necessary for the project. All necessary permits and approvals must be obtained prior to initiation of construction. OSC may choose to terminate a project in the event that permits and land use approvals are not obtained in a timely manner.

Idaho PCSRF sub-grantees must comply with all environmental standards, including those prescribed under the following statutes and Executive Orders, and shall identify to OSC (and through OSC, NOAA Fisheries) any impact the award may have on the environment. The following are per section .04 Environmental Requirements of the March 2017 Department of Commerce Standard Terms and Conditions:

a. *The National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321 et seq.)*

The National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) implementing regulations (40 C.F.R. Parts 1500 through 1508) require that an environmental analysis be completed for all major Federal actions to determine whether they have significant impacts on the environment. NEPA applies to the actions of Federal agencies and may include a Federal agency’s decision to fund non-Federal projects under grants and cooperative agreements when the award activities remain subject to Federal authority and control. Non-Federal entities are required to identify to the awarding agency any direct, indirect or cumulative impact an award will have on the quality of the human environment, and assist the agency in complying with NEPA. Non-Federal entities may also be requested to assist DOC in drafting an environmental assessment or environmental impact statement if DOC determines such documentation is required, but DOC remains responsible for the sufficiency and approval of the final documentation. Until such time as the appropriate NEPA documentation is complete and in the event that any additional

information is required during the period of performance to assess project environmental impacts, funds can be withheld by the Grants Officer under a specific award condition requiring the non-Federal entity to submit the appropriate environmental information and NEPA documentation sufficient to enable DOC to make an assessment on any impacts that a project may have on the environment.

b. *The National Historic Preservation Act (16 U.S.C. §§ 470 et seq.)*

Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. § 470f) and the Advisory Council on Historic Preservation (ACHP) implementing regulations (36 C.F.R. Part 800) require that Federal agencies take into account the effects of their undertakings on historic properties and, when appropriate, provide the ACHP with a reasonable opportunity to comment. Historic properties include but are not necessarily limited to districts, buildings, structures, sites and objects. In this connection, archeological resources and sites that may be of traditional religious and cultural importance to Federally-recognized Indian Tribes, Alaskan Native Villages and Native Hawaiian Organizations may be considered historic properties. Non-Federal entities are required to identify to the awarding agency any effects the award may have on properties included on or eligible for inclusion on the National Register of Historic Places. Non-Federal entities may also be requested to assist DOC in consulting with State or Tribal Historic Preservation Officers, ACHPs or other applicable interested parties necessary to identify, assess, and resolve adverse effects to historic properties. Until such time as the appropriate NHPA consultations and documentation are complete and in the event that any additional information is required during the period of performance in order to assess project impacts on historic properties, funds can be withheld by the Grants Officer under a specific award condition requiring the non-Federal entity to submit any information sufficient to enable DOC to make the requisite assessment under the NHPA.

Additionally, non-Federal entities are required to assist the DOC in assuring compliance with the Archeological and Historic Preservation Act of 1974 (54 U.S.C. § 312502 et seq., formerly 16 U.S.C. § 469a-1 et seq.); Executive Order 11593 (Protection and Enhancement of the Cultural Environment, May 13, 1971); Executive Order 13006 (Locating Federal Facilities on Historic Properties in Our Nation's Central Cities, May 21, 1996); and Executive Order 13007 (Indian Sacred Sites, May 24, 1996).

c. *Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands)*

Recipients must identify proposed actions in federally defined floodplains and wetlands to enable the agency to make a determination whether there is an alternative to minimize any potential harm.

d. *Clean Air Act (42 U.S.C. §§ 7401 et seq.), Federal Water Pollution Control Act (33 U.S.C. §§ 1251 et seq.) (Clean Water Act), and Executive Order 11738*

Recipients must comply with the provisions of the Clean Air Act (42 U.S.C. §§ 7401 et seq.), Clean Water Act (33 U.S.C. §§ 1251 et seq.), and E.O. 11738 (38 FR 25161), and must not use a facility on the Environmental Protection Agency's (EPA) List of Violating Facilities (this list is incorporated into the Excluded Parties List System found at the System for Award Management (SAM) website located SAM.gov) in

- performing any award that is nonexempt under 2 C.F.R. § 1532, and must notify the Program Officer in writing if it intends to use a facility that is on the EPA List of Violating Facilities or knows that the facility has been recommended to be placed on the List.
- e. *The Flood Disaster Protection Act (42 U.S.C. §§ 4002 et seq.)*
Flood insurance, when available, is required for Federally assisted construction or acquisition in flood-prone areas. Per 2 C.F.R. § 200.447(a), the cost of required flood insurance is an allowable expense, provided that it is reflected in the approved project budget.
 - f. *The Endangered Species Act of 1973 (16 U.S.C. § 1531 et seq.)*
Non-Federal entities must identify any impact or activities which may involve a threatened or endangered species. Federal agencies have the responsibility to ensure that no adverse effects to a protected species or habitat occur from actions under federal assistance awards and conduct the required reviews under the Endangered Species Act, as applicable.
 - g. *The Wild and Scenic Rivers Act (16 U.S.C. §§ 1271 et seq.)*
This Act applies to awards that may affect existing or proposed components of the National Wild and Scenic Rivers system.
 - h. *The Safe Drinking Water Act of 1974, as amended, (42 U.S.C. §§ 300f et seq.)*
This Act precludes federal assistance for any project that the EPA determines may contaminate a sole source aquifer so as to threaten public health.
 - i. *The Resource Conservation and Recovery Act of 1976 (42 U.S.C. §§ 6901 et seq.)*
This Act regulates the generation, transportation, treatment, and disposal of hazardous wastes, and also provides that non-Federal entities give preference in their procurement programs to the purchase of recycled products pursuant to EPA guidelines.
 - j. *The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, commonly known as Superfund) (42 U.S.C. §§ 9601 et seq.) and the Community Environmental Response Facilitation Act (42 U.S.C. § 9601 note et seq.)*
These requirements address responsibilities of hazardous substance releases, threatened releases and environmental cleanup. There are also reporting and community involvement requirements designed to ensure disclosure of the release or disposal of regulated substances and cleanup of hazards to state and local emergency responders.
 - k. *Executive Order 12898 (“Environmental Justice in Minority Populations and Low-Income Populations”)*
Federal agencies are required to identify and address the disproportionately high and adverse human health or environmental effects of Federal programs, policies, and activities on low income and minority populations.

- l. *The Magnuson-Stevens Fishery Conservation and Management Act* (16 U.S.C. § 1801 *et seq.*)
Non-Federal entities must identify to DOC any effects the award may have on essential fish habitat (EFH). Federal agencies which fund, permit, or carry out activities that may adversely impact EFH are required to consult with the National Marine Fisheries Service (NMFS) regarding the potential effects of their actions, and respond in writing to NMFS recommendations. These recommendations may include measures to avoid, minimize, mitigate, or otherwise offset adverse effects on EFH. In addition, NMFS is required to comment on any state agency activities that would impact EFH. Provided the specifications outlined in the regulations are met, EFH consultations will be incorporated into interagency procedures previously established under NEPA, the ESA, Clean Water Act, Fish and Wildlife Coordination Act, or other applicable statutes.
- m. *Clean Water Act (CWA) Section 404* (33 U.S.C. § 1344)
CWA Section 404 regulates the discharge of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for development, water resource projects (such as levees and some coastal restoration activities), and infrastructure development (such as highways and airports). CWA Section 404 requires a permit from the U.S. Army Corps of Engineers before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g., certain farming and forestry activities).
- n. *Rivers and Harbors Act* (33 U.S.C. § 407)
A permit may be required from the U.S. Army Corps of Engineers if the proposed activity involves any work in, over or under navigable waters of the United States. Recipients must identify any work (including structures) that will occur in, over or under navigable waters of the United States and obtain the appropriate permit, if applicable.
- o. *The Migratory Bird Treaty Act* (16 U.S.C. §§ 703-712), *Bald and Golden Eagle Protection Act* (16 U.S.C. § 668 *et seq.*), and *Executive Order 13186 (Responsibilities of Federal Agencies to Protect Migratory Birds, January 10, 2001)*
A number of prohibitions and limitations apply to projects that adversely impact migratory birds and bald and golden eagles. Executive Order 13186 directs Federal agencies to enter a Memorandum of Understanding with the U.S. Fish and Wildlife Service to promote conservation of migratory bird populations when a Federal action will have a measurable negative impact on migratory birds.
- p. *Executive Order 13112 (Invasive Species, February 3, 1999)*
Federal agencies must identify actions that may affect the status of invasive species and use relevant programs and authorities to: (i) prevent the introduction of invasive species; (ii) detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner; (iii) monitor invasive species populations accurately and reliably; (iv) provide for restoration of native species and habitat conditions in ecosystems that have been invaded; (v) conduct research on invasive species and develop technologies to prevent introduction and provide for

environmentally sound control of invasive species; and (vi) promote public education on invasive species and the means to address them. In addition, an agency may not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere.

q. *Fish and Wildlife Coordination Act* (16 U.S.C. § 661 *et seq.*)

During the planning of water resource development projects, agencies are required to give fish and wildlife resources equal consideration with other values. Additionally, the U.S. Fish and Wildlife Service and fish and wildlife agencies of states must be consulted whenever waters of any stream or other body of water are “proposed or authorized, permitted or licensed to be impounded, diverted... or otherwise controlled or modified” by any agency under a Federal permit or license.

6.3. Non-Federal Match

The non-Federal match, whether in cash or in-kind, is expected to be paid out at the same general rate as the PCSRF share of the project funding. Exceptions to this requirement are discouraged, but may in select circumstances be granted by OSC (pending approval from the NOAA Grant Officer), based on sufficient documentation demonstrating previously determined plans for, or later commitment of, cash or in-kind contributions.

In all cases, the sub-grantee must meet their cost share commitment over the life of the award. The same program guidelines (e.g., applicable federal guidelines) and documentation requirements that apply to the PCSRF award, apply to the non-Federal match. See also [2 CFR §200.306 Cost sharing or matching](#).

6.4. Subcontracting

All subcontracts must be developed in a manner to provide, to the maximum extent practicable, open and free competition. Records of procurement procedures, cost-justification, and reasons for selection of subcontractor should be maintained by the sub-grantee. Sub-grantees must comply with [2 CFR Part 200 Subpart D Procurement Standards](#). Sections §200.317 - §200.320 are provided below for reference; see also sections [§200.321 - §200.326](#).

§200.317 Procurements by states.

When procuring property and services under a Federal award, a state must follow the same policies and procedures it uses for procurements from its non-Federal funds. The state will comply with §200.322 Procurement of recovered materials and ensure that every purchase order or other contract includes any clauses required by section §200.326 Contract provisions. All other non-Federal entities, including subrecipients of a state, will follow §§200.318 General procurement standards through 200.326 Contract provisions.

§200.318 General procurement standards.

(a) The non-Federal entity must use its own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this part.

(b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(c)(1) The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

(2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

(d) The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.

(f) The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(g) The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(h) The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor

integrity, compliance with public policy, record of past performance, and financial and technical resources. See also §200.213 Suspension and debarment.

(i) The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(j)(1) The non-Federal entity may use a time and materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to a non-Federal entity is the sum of:

- (i) The actual cost of materials; and
- (ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

(2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

(k) The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75885, Dec. 19, 2014; 80 FR 43309, July 22, 2015]

§200.319 Competition.

(a) All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

- (1) Placing unreasonable requirements on firms in order for them to qualify to do business;
- (2) Requiring unnecessary experience and excessive bonding;
- (3) Noncompetitive pricing practices between firms or between affiliated companies;
- (4) Noncompetitive contracts to consultants that are on retainer contracts;
- (5) Organizational conflicts of interest;

(6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and

(7) Any arbitrary action in the procurement process.

(b) The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(c) The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

(1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and

(2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(d) The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75885, Dec. 19, 2014]

§200.320 Methods of procurement to be followed.

The non-Federal entity must use one of the following methods of procurement.

(a) Procurement by micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (§200.67 Micro-purchase). To the extent practicable, the non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.

(b) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.

(c) Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in paragraph (c)(1) of this section apply.

(1) In order for sealed bidding to be feasible, the following conditions should be present:

- (i) A complete, adequate, and realistic specification or purchase description is available;
- (ii) Two or more responsible bidders are willing and able to compete effectively for the business; and
- (iii) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(2) If sealed bids are used, the following requirements apply:

- (i) Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
- (ii) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
- (iii) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
- (iv) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
- (v) Any or all bids may be rejected if there is a sound documented reason.

(d) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- (1) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
 - (2) Proposals must be solicited from an adequate number of qualified sources;
 - (3) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
 - (4) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
 - (5) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.
- (e) [Reserved]
- (f) Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:
- (1) The item is available only from a single source;
 - (2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
 - (3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
 - (4) After solicitation of a number of sources, competition is determined inadequate.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75885, Dec. 19, 2014; 80 FR 54409, Sept. 10, 2015]

6.5. Sub-award and/or Contract to a Federal Agency

The sub-grantee, contractor, and/or subcontractor shall not sub-grant or sub-contract any part of the approved project to any agency or employee of DOC and/or other federal department, agency or instrumentality, without the prior written approval.

Requests for approval must be submitted to OSC, and will in turn be submitted to the NOAA Fisheries Federal Program Officer who will review and make a recommendation to the NOAA Fisheries Grants Officer. The Grants Officer will make the final determination and will notify the recipient in writing of the final determination.

6.6. Other Federal Awards with Similar Programmatic Activities

The recipient must immediately provide written notification to OSC in the event that, subsequent to receipt of the Idaho PCSRF award, other financial assistance is received to

support or fund any portion of the scope of work incorporated into the Idaho PCSRF award. The PCSRF program will not pay for costs that are funded by other sources.

6.7. Programmatic Changes

The sub-grantee may not make any programmatic changes to the award without prior written approval from OSC. Some changes will require PCSRF Board approval at a public board meeting.

Prior written approval from OSC is required for:

- Change in project scope or objective
- Change in project lead
- Foreign travel (including to Canada and Mexico)
- Significant deviations from the match expenditures detailed in the approved budget
- Any changes in budget line items as described in the approved budget of greater than 10% of the total budget
- Equipment purchases not included in the approved budget
- Increasing an indirect budget
- Other costs that require prior approval in federal cost principals

6.8. Acknowledgement of Sponsorship

Publication of results or findings in appropriate professional journals and production of video or other media is encouraged as an important method of recording, reporting and otherwise disseminating information and expanding public access to federally-funded projects (*e.g.*, scientific research). The sub-grantee must comply with the data management and access to data requirements established by the DOC funding agency as set forth in the applicable Notice of Funding Opportunity and/or in Special Award Conditions.

The sub-grantee shall submit a copy of any publication materials, including but not limited to print, recorded, or Internet materials, to the Client for submission to National Marine Fisheries Service.

When releasing information related to a funded project, the sub-grantee must include a statement that the project or effort undertaken was or is sponsored by DOC and must also include the applicable financial assistance award number.

The sub-grantee is responsible for assuring that every publication of material based on, developed under, or otherwise produced pursuant to a DOC financial assistance award contains the following disclaimer or other disclaimer approved by the Client:

This [report/video/etc.] was prepared by [recipient name] using Federal funds under award [number] from National Marine Fisheries Service, U.S. Department of Commerce. The statements, findings, conclusions, and recommendations are those of the author(s) and do not necessarily reflect the views of the National Marine Fisheries Service or the U.S. Department of Commerce.

7. REFERENCES AND LINKS

Department of Commerce Financial Assistance Standard Terms and Conditions, March 2017, http://www.osec.doc.gov/oam/grants_management/policy/documents/Department%20of%20Commerce%20Standard%20Terms%20&%20Conditions%2031%20March%202017.pdf

Department of Commerce Financial Assistance Standard Terms and Conditions, October 2018, http://www.osec.doc.gov/oam/grants_management/policy/documents/Department%20of%20Commerce%20Standard%20Terms%20&%20Conditions%2009%20October%202018.pdf

Electronic Code of Federal Regulations, Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl

FAR Subpart 31.2 – Contracts with Commercial Organizations, https://www.acquisition.gov/far/html/Subpart%2031_2.html

NOAA Fisheries PCSRF Project and Performance Metrics Database, <https://www.webapps.nwfsc.noaa.gov/apex/f?p=309:15>

State of Idaho, Board of Examiners, Per-diem and mileage guidelines, <https://www.sco.idaho.gov/LivePages/State%20Travel%20Policy.aspx>